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2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 KEYHERRA GREEN,

7 Plaintiff,

8 v.

9 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, ET AL.,

10 Defendants.
11

Case No. 2:20-cv-00769-GMN-DJA

ORDER

12 This matter is before the Court on Plaintiff's Motion to Amend Complaint (ECF No. 13),
13 filed on July 7, 2020. Any response was due by July 16, 2020. To date, no response has been
14 filed by Defendants, which "constitutes a consent to the granting of the motion." LR 7-2(d).

15 Rule 15(a)(2) of the Federal Rules of Civil Procedure, regarding the amendment of
16 pleadings, directs that "[t]he court should freely give leave when justice so requires." The Ninth
17 Circuit Court of Appeals has repeatedly cautioned courts in this circuit to "liberally allow a party
18 to amend its pleading." *Sonoma Cnty. Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117
19 (9th Cir. 2013). "Courts may decline to grant leave to amend only if there is strong evidence of
20 'undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure
21 deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue
22 of allowance of the amendment, or futility of amendment, etc.'" *Id.* at 1117 (quoting *Foman v.*
23 *Davis*, 371 U.S. 178, 182 (1962)).

24 Here, Plaintiff filed the instant Motion prior to the expiration of the deadline to amend
25 pleadings or add parties, which has not yet been set, as the parties have failed to file a discovery
26 plan and scheduling order for the Court's approval. The Court will require the parties to submit a
27 plan within 14 days of this Order.
28


1 Further, the Court has reviewed the Motion and finds good cause to permit the
2 amendment. Plaintiff requests the ability to add a cause of action under the Americans with
3 Disabilities Act and a party, Naphcare, Inc. along with clarifying factual allegations. She claims
4 that the amendment is not made in bad faith or would cause undue delay as the parties have yet to
5 commence discovery.

6 IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend Complaint (ECF No.
7 13) is **granted**.

8 IT IS FURTHER ORDERED that the parties shall file a stipulated discovery plan and
9 scheduling order within 14 days of this Order and review the amendments to the Local Rules of
10 Practice for the District of Nevada that were adopted on April 17, 2020, specifically Local Rules
11 26-1 through 26-7, to ensure that they submit a compliant plan.

12 IT IS FURTHER ORDERED that Plaintiff shall file and serve the amended complaint in
13 accordance with Local Rule 15-1(b).

14
15 DATED: July 21, 2020.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE